

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

HAMID RABIEE,

Plaintiff,

v.

SHASTA COUNTY CORRECTIONAL
FACILITY, *et al.*,

Defendants.

No. 2:20-cv-0514 TLN DB P

ORDER

Plaintiff is a county detainee proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On September 24, 2020, plaintiff's first amended complaint was screened and found to be devoid of a cognizable claim. (ECF No. 7.) Plaintiff was then granted leave to file a second amended complaint, a notice of his willingness to stand on the first amended complaint as written, or a notice of voluntary dismissal. When plaintiff did not respond to the Court order or seek an extension of time to do so before the response deadline passed, the Court issued findings and recommendations to dismiss this case.

Plaintiff has now filed objections suggesting that he did submit a second amended complaint. (ECF No. 10) Examination of the docket in this case reveals that no amended pleading was filed, but it does appear that plaintiff filed a second amended petition for writ of habeas

corpus in Rabiee v. Shasta County Corr. Facility, Case No. 2:20-cv-0813-TLN-DMC. To date, plaintiff has still not responded to the Court's September 24, 2020, Screening Order.

Accordingly, IT IS HEREBY ORDERED that:

1. The November 12, 2020, findings and recommendations (ECF No. 9) are VACATED;
and
2. Plaintiff shall submit a response to the September 24, 2020, Screening Order within thirty days. Failure to timely respond will result in a renewed recommendation to dismiss this case.

Dated: January 5, 2021


DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

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